

Notice of Allowability

Application No.

10/803,391

Applicant(s)

GRAY ET AL.

Examiner

Robert Sellers

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 29 June 2005.
2. ☒ The allowed claim(s) is/are 16-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 805
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Robert Sellers
Primary Examiner
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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Deborah A. Altman on August 18, 2005.

Claim 16, line 3, after "i." insert --from 50 to 90 percent by weight based on the resinous binder of-- and line 6, after "ii." insert --from 10 to 50 percent by weight of the resinous binder of--.

The following is an examiner's statement of reasons for allowance:

2. The terminal disclaimer filed February 4, 2005 resolves the obviousness-type double patenting rejection over U.S. Patent No. 6,641,923.
3. The insertion of the proportion ranges for reaction product a.i. and curing agent a.ii. by examiner's amendment hereinabove overcomes the closest prior art to Berger et al. Patent No. 6,440,580 and Young, Jr. et al. Patent No. 4,346,143. The claimed reaction product of epoxy-containing polymer and phosphorus acid groups-containing compound a.i. in a minimum proportion of 50 percent by weight is not recited. The secondary reference to Japanese Patent No. 7-331164 provides a motivation to use a phosphoric acid-modified epoxy resin only when present in an amount of from 0.1 to about 20 weight percent which is precluded by the claimed minimum (translation filed August 5, 2004, paragraph 15).

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4. The pretreatment coating of Berger et al. comprising a reaction product of an epoxy-functional material and phosphorus-containing material (col. 1, lines 56-59) and water (col. 6, lines 23-25) does not recite the claimed curing agent and electroconductive pigment. The separate weldable coating of Berger et al. (col. 1, lines 61-63) containing a binder such as an epoxy resin (col. 9, lines 25 and 30-31), a curing agent (col. 9, lines 49-57) and electroconductive pigment does not recite the claimed water solvent.

5. There is no impetus to incorporate the claimed curing agent and electroconductive pigment into the aqueous pretreatment coating. There is no incentive to solubilize the weldable coating with water. Finally, there is no motivation to employ the phosphoric acid-modified epoxy resin of the Japanese patent as the binder of Berger et al. or Young, Jr. et al. since the rationale for its use is predicated on the quantity of from 0.1 to about 20 weight percent which is less than the claimed parameters.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled

"Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

rs
8/18/2005



ROBERT E.L. SELLERS
PRIMARY EXAMINER